

Appln No. 09/925,355

Amdt date March 1, 2004

Reply to Office action of December 3, 2003

### REMARKS/ARGUMENTS

Claims 1 and 3-7 remain in this application. In the final action dated December 3, 2003, the examiner rejected claims 1 and 5, but indicated that claims 2-4 would be allowable if rewritten in independent form. It is also noted that the examiner indicated in the final action that no patentable weight was to be given to the phrases "as a negative active material" and "as and additive."

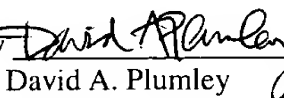
In response to the final action, applicants have rewritten the allowable claims to make them independent, but in doing so, applicants have deleted the surplus phrases identified by the examiner. In particular, claim 1 has been amended to delete the phrases "as a negative active material" and "as and additive," and to include the limitation of claim 2 which identifies yttrium oxide as the metal oxide. In view of the amendment to claim 1, claim 2 has been cancelled. Claims 3 and 4 have been amended to independent form by including all of the limitations of claim 1 with the exception that the phrases "as a negative active material" and "as and additive" have been deleted.

While the examiner rejected claim 5, applicants have amended this claim to depend from claim 1 by reciting a lithium rechargeable battery which includes the negative electrode of allowable claim 1. New claims 6 and 7 have been introduced to similarly recite lithium rechargeable batteries which include the negative electrodes of allowable claims 3 and 4.

Applicants submit that claims 1 and 3-7, as amended, are now allowable. Favorable action is requested. However, if there are any remaining issues which can best be addressed by telephone, the examiner is asked to contact applicants' attorney at the number below.

Respectfully submitted,

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